

REMARKS

Claims 1-12 were presented in the application as filed on June 15, 2007, and claims 1-12 were amended and new claims 13-17 added in a Preliminary Amendment filed contemporaneously with the application. Claims 1, 3, 7, 10, and 15-17 are amended and claim 12 is canceled. Claims 1-11 and 13-17 are pending. Reconsideration of the application and allowance of claims pending herein are respectfully requested in view of the remarks below.

Claim 1 has been amended to describe the range in mole percent of the acrylamide-derived cationic monomer and the anionic monomer. Claim 1 has been additionally amended to limit the non-ionic hydrosoluble monomer recited therein to be an acrylamide-derived monomer. Support for the 0.005 and 10 mole percent range of the acrylamide-derived cationic monomer can be found in dependent claim 7, as the mole percent range is a limitation recited therein. Support for the 1 to 30 mole percent range of the anionic monomer can be found in Table 2 describing viscosity measurements of the associative amphoteric polymers. Polymer samples Ag4, Mg4, and Ag7 comprise 30 mole percent of the anionic monomer and thus, the upper limit of the range is supported. Support for the acrylamide-derived non-ionic hydrosoluble monomer can be found in page 5, lines 11-13 of the specification describing preferred non-ionic hydrosoluble monomers, of which are acrylamide-derived monomers. Additional support can be found in dependent claim 3 reciting examples of non-ionic hydrosoluble monomers, which are acrylamide-derived. Claim 1 has further been amended to describe the molecular weight of the associative amphoteric polymer as average molecular weight. The omission of the modifier average was an oversight.

Claim 3 has been amended to describe the class of non-ionic hydrosoluble monomers according to the present invention, *i.e.*, acrylamide-derived, and to delete from the claim monomers that are not acrylamide-derived.

Claims 10 and 17 have been amended to describe the molecular weight of the associative amphoteric polymer as average molecular weight. The omission of the modifier average was an oversight.

Claims 7, 15, and 16 has been amended to be consistent with the language of amended independent claim 1. The use of the acrylamide-derived non-ionic hydrosoluble language has been inserted to describe the monomer and specific monomers that are not acrylamide-derived have been deleted from the claim.

Claims 15-17 have been amended to correct typographical errors.

No new matter has been added.

CLAIM REJECTIONS UNDER 35 U.S.C. §101

The Office Action States that claim 12 is rejected under 35 U.S.C. §101. Claim 12 has been canceled and thus, the rejection is moot. Reconsideration of claim 12 under 35 U.S.C. § 101 is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

The Office Action States that claims 1, 10, and 17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite allegedly because the recited molecular weight is not defined by a standard type such as Mw, Mn, etc. Claim 1 is independent.

Claims 1, 10, and 17 have been amended to describe the molecular weight of the associative amphoteric polymer as average molecular weight. The omission of the modifier average was an oversight. Reconsideration of claims 1, 10, and 17 under 35 U.S.C. § 101 is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The Office Action States that claims 1-17 are rejected under 35 U.S.C. §103 (a) as being allegedly unpatentable over Schade *et al.* (U.S. 6,329,483 B1). Claim 1 is independent.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations [*see*, MPEP 2143].

As to claim 1, it has been amended to include a mole percent range limitation on the acryl-amide derived cationic monomer and the anionic monomer. Claim 1 has also been amended to include a compound class limitation on the non-ionic hydrosoluble monomer, *i.e.*, acrylamide-derived.

Applicants respectfully assert that there is no suggestion or motivation, either in the Schade *et al.* or in the knowledge generally available to one of ordinary skill in the art, to modify Schade *et al.* Applicants respectfully assert the polymer recited in amended claim 1 possesses and exhibits a superior property as compared with the prior art polymers cited against amended claim 1. Applicants unexpectedly discovered that using 30 mole percent or less of the anionic monomer as recited in amended claim 1 results in a polymer having superior dissolution time, which is a problem not overcome by the polymer disclosed in Schade *et al.* Applicants have included a declaration that reports the results of testing that shows the polymers of amended claim 1 have superior dissolution properties as compared to the closest examples disclosed in Schade *et al.*

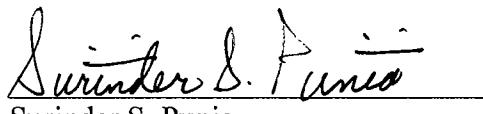
In light of the above, Applicants respectfully assert that a *prima facie* case of obviousness has not been established as Schade *et al.* does not provide a suggestion or motivation, either in the Schade *et al.* or in the knowledge generally available to one of ordinary skill in the art, to modify Schade *et al.* so as to arrive at Applicants' amended claim 1, *i.e.*, an associative amphoteric polymer comprising among other elements between 1 and 30 mole % of at least one anionic monomer presenting acrylic, vinyl, maleic, fumaric or allyl functionalities and containing a carboxy, phosphonate or sulfonate group and/or their ammonium salts or alkaline-earth metal salts or alkali metal salts, and therefore does not render Applicants' amended claim 1 obvious.

Reconsideration of claim 1 under 35 U.S.C. § 103(a) is respectfully requested. Claims 2-11 and 13-17, which depend from claim 1 and add further limitations to an allowable claim, are believed allowable for the same reasons.

There being no other outstanding issues, it is believed that the application is in condition for allowance, and such action is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of the subject application, Applicant's undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,


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